IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Bodmer *et al.*			
Application No.:	10/763,362	Filing Date	:	January 23, 2004
Confirmation No.:	7568			
Examiner:	Phuong N. Huynh	Art Unit	:	1644
Title:	*CONJUGATES FOR THE MODULATION OF IMMUNE RESPONSES*			

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FILED VIA EFS ON MAY 12, 2010

INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

This is a summary of matters discussed during the telephonic interview between the above-named Examiner and the undersigned, conducted on May 12, 2010, for which the Examiner is thanked for the courtesies extended.

The undersigned advanced the position that in view of the arguments of record, the disclosure in the application as filed, the case law, and patents issued by the USPTO, the rejections of the August 21, 2009 Office Action have been overcome, and the application is in condition for allowance. The undersigned further advanced the position that the claimed subject matter has been fully searched and examined in the prosecution of this application, and it is allowable in view of the art, as shown by the withdrawal of all previous art rejections in the August 21, 2009 Office Action. Hence, the undersigned advanced the position that the next paper to issue in this application should be a Notice of Allowance.

Consistent with the foregoing, the undersigned cited to the Examiner US Patents Nos. 7,678,758 and 6,887,475 as having claims and prosecution histories that demonstrate that the Section 112 positions in the August 21, 2009 Office Action are misplaced and should be reconsidered and withdrawn. The Examiner was invited to review US Patents Nos. 7,678,758 and 6,887,475, especially the claims and prosecution histories of these patents, and to note the extensive detail and breadth of the written description and enablement provided in the present application as filed.

Also consistent with the foregoing—namely that the Section 112 positions in the August 21, 2009 Office Action should be reconsidered and withdrawn, that sequences for every embodiment within the claims need not be recited *ad nauseum* in the application, and that a Notice of Allowance should now issue—the undersigned also referenced *Capon v. Eshhar*, 418 F. 3d 1349, 1358 (Fed. Cir. 2005), wherein the Court stated:

> The Board's rule that the nucleotide sequences of the chimeric genes must be fully presented, although the nucleotide sequences of the component DNA are known, is an inappropriate generalization. When the prior art includes the nucleotide information, precedent does not set a per se rule that the information must be determined afresh. Both parties state that a person experienced in the field of this invention would know that these known DNA segments would retain their DNA sequences when linked by known methods. Both parties explain that their invention is not in discovering which DNA segments are related to the immune response, for that is in the prior art, but in the novel combination of the DNA segments to achieve a novel result.

Furthermore, consistent with the foregoing, in addition to referencing the arguments of record in support of patentability, during the interview mention also was made of pages 50 to 53 of the application as filed, where consensus sequences as to the DSL domain and EGF-like domain can be found, demonstrating the extensive detail and breadth of the written description and enablement provided in the application as filed.

The undersigned understands that the Examiner is considering the matters discussed and cited during the telephonic interview (and herein) as well as the claims and arguments of record, and whether the case is indeed now in condition for allowance (as advanced by the undersigned), and will advise the undersigned telephonically whether a Notice of Allowance will issue or whether a further Office Action will issue. The Examiner is thanked for the many courtesies extended.

CONCLUSION

In view of the claims and remarks of record, and the matters discussed during the telephonic interview and herein, the application is in condition for allowance. Reconsideration and withdrawal of the rejections of the application, favorable reconsideration of the application, and prompt issuance of a Notice of Allowance are all earnestly solicited.

Respectfully submitted,

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